



UNITED STATES PATENT AND TRADEMARK OFFICE

cen

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/774,356

02/05/2004

Roger Allen Chickering

AOL0159

1958

22862 7590 01/16/2007
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

FATEHI, PARHAM R

ART UNIT

PAPER NUMBER

2191

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
|--|-----------|---------------|

3 MONTHS

01/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/774,356

Applicant(s)

CHICKERING, ROGER ALLEN

Examiner

Parham (Paul) R. Fatehi

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/05/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/05/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 36 are pending.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the inventor's signature is missing.

Specification

3. The information disclosure statements (IDS) submitted on 2/05/2004 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Bolmarcich et al (US Patent 6,539,435) in view of Stevens (Unix Network Programming, 1990).

As per claim 1, Bolmarcich discloses:

- **A method of inter-process communication between at least two application processes on one computer** (col. 2, ln. 31-34, method of inter-process communication between two program tasks on a computer)
- **The first process communicating with the second process using the first connection if the first connection is successfully established** (col. 2, ln. 44-48, a first process of a program communicates with a second process using a first connection);
- **The first process starting a third process of the second application if the first process fails to establish a connection with the second process** (col. 2, ln. 49-52, a first task on a first program can start a task on a second program);
- **The first process initiating a first connection to the second process** (col. 2, ln. 49-52, a first process connects to a second that either accepts or rejects the connection).
- **A first process of a first application** (col. 2, ln. 31-24, a first application that contains a first task).

But fails to:

- **determine a name of a first file in a file system of the computer, the name of the first file being associated with a second application, the first file containing information for the first process to connect to a**

**second process of the second application for inter-process
communication**

However, Stevens, in an analogous art:

- **determines a name of a first file in a file system of the computer, the name of the first file being associated with a second application, the first file containing information for the first process to connect to a second process of the second application for inter-process communication** (pg. 108, a pipe initiates another process from a calling process, where a pipe contains the information for the first process to connect to the second)
- **The first process initiating a first connection to the second process using the information contained in the first file** (pg. 108, a first process initiates a connection to a second process using pipes)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bolmarcich's method by the teaching of Stevens.

One having ordinary skill in the art would have found it motivated to use pipes as disclosed by Stevens in order to enable a process to quickly and efficiently call another process.

As per claim 2, Bolmarcich discloses:

- **the first process initiating a connection to the third process in response to the third process informing the first process that the third process is ready for a connection** (col. 2, ln. 44-52, a task of the first program initiates

connections to any task of the second program, col. 4, ln. 55-62, when task of the passive program notifies that it is ready receive connections from the active program).

Bolmarcich does not explicitly disclose:

- **using the information in the first file**

However, Stevens, in an analogous art, discloses:

- **using the information in the first file**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bolmarcich's method by the teaching of Stevens.

One having ordinary skill in the art would have found it motivated to use pipes as disclosed by Stevens in order to enable a process to quickly and efficiently call another process.

As per claim 3, Bolmarcich discloses:

- **the third process is started in server mode without a user interface** (col. 4, ln. 55-56, connection to the server program to initiate a task, where a server inherently includes all servers with or without a user interface).

As per claim 4, Bolmarcich discloses:

- **the first process fails to establish a connection with the second process because the second process is not running** (col. 2, ln. 31-35, a method for establishing a connection between two programs each having one or more tasks, where if one program does not have one or more task, a connection will fail).

As per claim 5, Bolmarcich does not explicitly disclose:

- **The first file being missing from the file system indicates that the second process is not running**

However, Stevens in an analogous art discloses:

- **The first file being missing from the file system indicates that the second process is not running** (Stevens, pg. 108-110, a pipe initiates another process and is available in the standard I/O library. See pg. 108, Client/Server example using the popen function. See forks on pg 110. If there is no data in the fork, then the process is not running.)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bolmarcich to include the teaching of Stevens. One having ordinary skill in the art would have found it motivated to use pipes or forks as disclosed by Stevens in order to enable a process to quickly and efficiently call another process.

As per claim 6, Bomarcich discloses:

- **when the first process is started, the first process determining if a fourth process of the first application is running** (col. 5, ln. 37-42, task manager determines if processes are running);
- **the first process requesting the fourth process to perform a task for the first process if the fourth process is running** (col. 5, ln. 2-5, the first process can request fourth process to perform task by sending message until client task is prepared to receive message);

Art Unit: 2191

- **and the first process exiting after requesting the fourth process to perform the task for the first process (col. 5, ln. 6-7, tasks can be free running).**

As per claim 7, Bomarcich does not explicitly disclose:

- **the first process of the first application determining a name of a second file in the file system of the computer, the name of the second file being associated with the first application**

However, Stevens, in an analogous art discloses:

- **the first process of the first application determining a name of a second file in the file system of the computer, the name of the second file being associated with the first application (Stevens, pg. 108-110, using pipes and forks a first process can determine the name of a second file in the file system of a computer, the name of the second file being associated with the first application).**

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bolmarich to include the teaching of Stevens. One having ordinary skill in the art would have found it motivated to use pipes or forks as disclosed by Stevens in order to enable a process to quickly and efficiently call another process.

As per claim 8, Bolmarcich does not explicitly disclose:

- **The second file being missing from the file system indicates that the fourth process of the first application is not running**

However, Stevens in an analogous art discloses:

- **The second file being missing from the file system indicates that the fourth process of the first application is not running** (Stevens, pg. 108-110, a pipe initiates another process and is available in the standard I/O library. See pg. 108, Client/Server example using the popen function. See forks on pg 110. If there is no data in the fork, then the process is not running.)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bolmarich to include the teaching of Stevens. One having ordinary skill in the art would have found it motivated to use pipes or forks as disclosed by Stevens in order to enable a process to quickly and efficiently call another process.

As per claim 9, Bolmarcich discloses the use of a parallel program where each program contains one of more tasks [col. 5, ln. 37-42], where when one task is failed to connect to another task, it forwards the request to another task [col. 2, ln. 45-52]. This implies that Bolmarcich substantially discloses the limitation of "the second file contains information for the first process to connect to a fourth process for inter-process communication; failure in connecting to the fourth process using the information contained in the second file indicates that the fourth process of the first application is not running; and success in connecting to the fourth process using the information contained in the second file indicates that the fourth process of the first application is running."

Art Unit: 2191

As per claim 12, Bolmarcich discloses:

- **when the second process is started, the second process determining if a fourth process of the second application is running (col. 5, ln. 37-42, task manager determines if processes are running)**
- **the second process requesting the fourth process to perform a task for the second process if the fourth process is running (col. 5, ln. 2-5, the first process can request fourth process to perform task by sending message until client task is prepared to receive message)**
- **and the second process exiting after requesting the fourth process to perform the task for the second process (col. 2, ln. 6-7, tasks can be free running)**

As per claims 14 & 26, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

As per claims 15 & 27, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

As per claims 16 & 28, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

As per claims 17 & 29, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

As per claims 18 & 30, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

Art Unit: 2191

As per claims 19 & 31, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

As per claims 20 & 32, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

As per claims 21 & 33, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

As per claims 24 & 36, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

5. Claims 10 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolmarcich in view of Stevens, and further in view of Strom et al (US Patent 7,010,796).

As per claim 10, Bolmarcich and Stevens substantially disclose the invention as claimed.

However, Bolmarcich and Stevens do not explicitly disclose:

- **the first process communicates with the second process using the first connection through an Application Programming Interface (API)**

On the other hand, Strom in an analogous art discloses:

- **the first process communicates with the second process using the first connection through an Application Programming Interface (API) (col. 4, In 23-27 / Fig. 8, #127 & 137)**

Therefore, in view of Strom, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art at the time of invention would

Art Unit: 2191

have found it motivated to use such a combination in order to enable cross-platform inter-process controls.

As per claim 11, Bolmarcich and Stevens substantially disclose the invention as claimed.

However, Bolmarcich and Stevens do not explicitly disclose:

- **the Application Program Interface (API) is platform independent**

On the other hand, Strom in an analogous art discloses:

- **the Application Program Interface (API) is platform independent (col. 4, In 23-27 / Fig. 8, #127 & 137)**

Therefore, in view of Strom, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art at the time of invention would have found it motivated to use such a combination in order to enable cross-platform inter-process controls.

As per claims 22 & 34, they are apparatus and system claims with same limitations as claim 10 and rejected under the same reasons.

As per claims 23 & 35, they are apparatus and system claims with same limitations as claim 11 and rejected under the same reasons.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parham (Paul) R. Fatehi whose telephone number is


Art Unit: 2191


571-272-1407. The examiner can normally be reached on M-Th 7:30AM-5PM EST, off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das can be reached on (571)272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Fatehi
Examiner
AU 2191


01/05/07


JEAN M. CORRIELUS
PRIMARY EXAMINER
Art Unit 2162